

REMARKS

This Amendment and Reply is intended to be completely responsive to the Non-Final Office Action mailed December 10, 2007. Applicant respectfully requests reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. In the Specification, a Substitute Specification is provided under 37 C.F.R. § 1.125 to replace the previously filed specification for clarity. No new matter has been added. In the claims, Claims 1-11 have been canceled without prejudice to further prosecution on the merits. New Claims 12-31 have been added for clarity and to provide claims of varying scope. New Claims 25-31 have been withdrawn from further consideration as being drawn to a nonelected species (i.e., a vehicle seat). No new matter has been added. Accordingly, Claims 12-31 will be pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the Application, is presented, with an appropriate defined status identifier.

Claim Rejections – 35 U.S.C. § 112

On pages 2 through 4, the Examiner rejected Claims 1-7 under 35 U.S.C. § 112 ¶ 1 as failing to comply with the enablement requirement. On pages 4-5, the Examiner rejected to Claims 1-7 under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In rejecting Claims 1-7, the Examiner stated:

[T]here is no enabling disclosure of the seat back release mechanism and the interaction with the cables to allow the seat to both fold and recline. The specification discloses a device for limiting the movement of a rotatably mounted part but does not disclose the way in which the parts interact to perform the desired operation. The way in which the control device interacts with the joint and mechanical force transmitting device is not clear. Therefore, the amount of direction provided by the inventor is not

sufficient to allow one of ordinary skill in the art to make or use the invention without undue experimentation

...

Since the applicant did not provide sufficient information to enable one of ordinary skill in the art to make or use the invention, the claims lack clarity and precision. Therefore, the scope of the invention is not clearly stated, nor are the metes and bounds of the claim understood. Consequently the claims are ambiguous and considered indefinite.

Applicant respectfully disagrees with the Examiner and submits that the present Application does provide sufficient information to enable one of ordinary skill in the art to make or use the invention without undue experimentation. For example, contrary to the statement of the Examiner, Figures 3-5 of the present Application clearly illustrate the way in which the control device interacts with the mechanical force transmitting device at the joint according to one non-exclusive exemplary embodiment. Such illustration alone would be sufficient to enable one of ordinary skill in the art to make or use the recited subject matter without undue experimentation. The present Application goes even further by describing such this relationship in the Detailed Description (see, e.g., paragraphs [0031] – [0033] as originally filed).

Applicant believes that the original specification was clear, but to the extent that the process of translating the present Application from the German language to the English language lacks the clarity desired by the Examiner, Applicant has modified the description in a manner consistent with the original priority application. For example, Applicant notes that the present Application (as originally filed) included the German term “Gegenlager 15,” which was translated as “counter-bearing 15,” but which also may have been translated as “a corresponding support member” or “counterpart 15.” In another example, the present Application (as originally filed) included the German term “Gelenks 4,” which was translated as a “joint 4” between the backrest and the seat part, but which also may have been translated as a “hinge” between the backrest and the seat part.

In an effort to address the above-referenced rejections under 35 U.S.C. § 112 ¶ 1 and 2, the Specification of the present Application has been amended for clarity and is being submitted herewith as a Substitute Specification under 37 C.F.R. § 1.125 to replace the previously filed specification. In addition, previously presented Claims 1-11 have been canceled without prejudice to further prosecution on the merits and replaced with new Claims 12-31 for clarity and to provide claims of varying scope. No new matter has been added.

Accordingly, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 112 ¶ 1 and 2.

Claim Rejections – 35 U.S.C. § 102

On pages 5 through 8, the Examiner rejected Claims 1-7 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,741,046 to Leuchtmann et al. (“Leuchtmann et al.”). In rejecting Claim 1, the Examiner stated:

Leuchtmann et al. disclose a device for limiting the movement (12) of rotatably mounted parts (4), in particular pivotable upholstery elements of vehicle seats (1), having a locking piece (22) which is arranged inside the rotatably mounted part (4) and can be made to releasably engage with a counter-bearing (50), characterized in that the locking piece (22) operatively interacts with a control device (10, 15, 5) situated in the area of the joint (12) of the rotatably mounted part (3).

Applicant submits that the rejection of Claims 1-7 is now moot because Claims 1-7 have been canceled without prejudice to further prosecution on the merits. With regard to the newly presented claims (specifically Claims 12-25), Applicant submits that Leuchtmann et al. fails to disclose, teach or suggest the claimed invention.

For example, independent Claim 12 recites a “device for limiting the movement of a first vehicle seat” comprising, among other elements, a “latch comprising a bolt moveable between an operative position and a retracted position, the bolt configured to extend out of [a] first upholstery element in the operative position and to retract into the first upholstery element in the

retracted position” and a “control device configured to be arranged in an area of [a] hinge, the control device being operatively coupled to the bolt by a force transmitting device.”

Leuchtmann et al. fails to disclose, teach or suggest such a device. In contrast, Leuchtmann et al. discloses a “folding rear seat arrangement 1” having a “backrest part 4” that can be locked in a vertical use position using a “locking device 13” connected to the “backrest part 4” and a “locking strap 50” connected to the “vehicle body 2” (col. 4, lines 44-50). The “locking strap 50” is received by an opening in the “locking device 13” when the “backrest part 4” is pivoted to the vertical use position. The “locking device 13” includes a “lock bolt 22” for engaging the “locking strap 50,” but the “lock bolt 22” appears to always remain within the “backrest part 4” (col. 6, lines 24-30). As such, Leuchtmann et al. fails to disclose, teach or suggest a bolt configured to extend out of an upholstery element in an operative position as required by independent Claim 12.

Because at least one limitation in independent Claim 12 is not disclosed, taught or suggested by Leuchtmann et al., Claim 12 cannot be anticipated by Leuchtmann et al. under 35 U.S.C. § 102(b). Dependent Claims 13-25 variously depend from independent Claim 12, and are allowable therewith for at least those reasons set forth above, without regard to the further patentable limitations set forth in such claims.

* * *

Applicant respectfully submits that each and every pending rejection has been overcome, and that the present Application is in a condition for allowance. In particular, even when the elements of Applicant’s claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the Application is respectfully requested.

Further, Applicant respectfully puts the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent

application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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